

Committee on Resources

Subcommittee on National Parks & Public Lands

Witness Statement

**STATEMENT OF
RANDALL MOODY,
NATIONAL EDUCATION ASSOCIATION
ON BEHALF OF THE
UTAH EDUCATION ASSOCIATION**

**BEFORE THE
COMMITTEE ON RESOURCES
SUBCOMMITTEE ON PARKS AND PUBLIC LANDS
U.S. HOUSE OF REPRESENTATIVES**

**ON
UTAH PARKS AND PUBLIC LANDS WILDERNESS ACT
OCTOBER 19, 1999**

Chairman Hansen and Members of the Subcommittee:

Thank you for the opportunity to testify about the importance of school trust lands to the education of Utah students and students in most western states. My name is Randall Moody. I am on staff at the National Education Association and am here today representing the Utah Education Association (UEA).

UEA would like to applaud the progress made to date in resolving the wilderness debate that has so divided the people of Utah and the nation. My testimony today will not address the merits of the specific lands proposed for wilderness. Instead, I would like to focus on urging inclusion in the Utah Parks and Public Lands Wilderness Act of an exchange of school trust lands.

Congress has long granted lands for the support of education, beginning with admission of Indiana to the United States, and continuing with every state thereafter. Congress generally made education land grants in exchange for state tax exemptions for federal lands. The United States Supreme Court has recognized these compacts, specifically noting in 1980 that "[a]s consideration for each new State's pledge not to tax federal lands, Congress granted the State a fixed proportion of the lands within its borders for the support of public education. These agreements were solemn bilateral compacts between each State and the Federal Government."

Education land grants have had particular importance in Utah. Even today, 71 percent of Utah remains untaxed federal domain. Over two-thirds of Utah pays no property taxes to support schools. Only Alaska

and Nevada have more federal lands, and these states have the nation's lowest birthrates while Utah has the highest. Utah schools serve the largest number of students per classroom in our nation -- classrooms that challenge teachers and students alike. Utah students rely on school trust lands to fund their education. It is essential, therefore, that Utah enjoy the full value of school lands received in exchange for untaxed federal lands.

The history of federal school lands in Utah has been long and tumultuous.

Congress intentionally scattered Utah's three and one-half million acres of school lands to profit from diverse economic activities across the state. These scattered lands make up one-ninth of the land within designated wilderness boundaries. Thus, any federal wilderness designation significantly impacts Utah's schools. Currently, wilderness study areas capture two-thirds of a million acres of school trust lands. If these school lands are developed, wilderness is compromised. If these school lands are not developed, children in Utah are robbed of the resources promised in exchange for untaxed federal lands.

Although Utah attained statehood just over a hundred years ago, National Parks, monuments, and expanded Native American reservations captured school trust lands for most of that century. Federal land managers were unwilling to discuss with school officials the leasing, purchasing, or exchanging of the captured school lands. This federal use without compensation eventually led to school lands reform. The Utah Education Association was a proud leader in this reform, along with others in the education family. Now, the lands are managed as a business that truly makes money for our schools. Utah's education community was particularly cheered by legislation enacted by this Congress enabling the January 8, 1999 exchange of captured school lands by Utah Governor Michael Leavitt and Secretary of the Interior Bruce Babbitt. Beginning this year, school lands are no longer used for national purposes at the expense of Utah schools.

Utah's education community hopes to now end this long history of captured school lands. UEA, the Utah PTA, the State School Board of Education, and the Superintendent of Schools believe that schools must receive full compensation for any school lands used for a national purpose. School lands must never again be taken without compensation.

UEA believes that the needs of Utah's school children must be addressed at the beginning of any wilderness designation process rather than, as has happened time and again, as an afterthought. We are, therefore, very disappointed that the proposed wilderness legislation does not address these essential issues. School lands issues are absolutely glaring in their absence from the proposed legislation. In fact, the bill's only reference to exchange addresses "non-governmental" lands, which specifically excludes school trust lands.

UEA applauds the hard work of the Department of the Interior -- collaborating with the School and Institutional Trust Lands Administration and the Governor's Office -- to negotiate a full value land-for-land exchange for the 120,000 acres of school lands within this West Desert wilderness proposal. We appreciate the respectful attention of the Department of Interior to school trust land concerns. We hope all involved parties will continue to seek resolution of the remaining details of the exchange and we strongly urge that the final negotiated exchange be added to the proposed legislation.

Under an exchange, Utah schools will receive valuable lands in developable areas outside of wilderness. The nation will receive priceless wild lands unbroken by roads and development on school lands. Exchanging scattered school lands inside wilderness areas for blocked developable lands can enhance the economic viability of those counties and rural communities. The counties in which the legislation would designate wilderness lands have long understood this economic importance of school lands. Schools, in turn,

appreciate the support and encouragement many counties provided toward facilitating exchanges within their borders.

UEA is mindful of the needs of the schools and the counties for an exchange. We acknowledge the large number of federal acres that are being relinquished from economic uses in these seven counties, and urge the parties involved to consider sizeable blocks of trust lands in these counties on a value-for-value basis. We are also grateful to the environmental community, especially the Wilderness Society, for their recognition of the importance of exchanging school lands from wilderness into developable areas.

In summary, UEA urges incorporation into the proposed legislation of a concurrent designation of specific, developable lands to be received in exchange for school lands within proposed West Desert wilderness areas. Such an exchange would:

- Set a precedence of full compensation for captured school lands;
- Enhance the ability of school trust lands to generate revenue without forcing development in wild areas;
- Help counties economically challenged by wilderness designation to develop other economic interests on relocated school trust lands;
- Preserve the solitude of wilderness areas; and, perhaps most importantly
- Build the permanent State School Fund to enhance the education provided by each Utah school.

The Utah Education Association commends the efforts of this subcommittee to resolve the fractious wilderness debate in the western portion of Utah. We support a full value land-for-land exchange in the Utah Park and Public Lands Wilderness Act.

I thank you for the opportunity to testify today and look forward to working with you on this important issue.

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